

Appl. No.: 10/626,903
Amdt. dated: February 22, 2005
Reply to Office action of 11/29/2004

REMARKS / ARGUMENTS

In the office action of November 29, 2004 claims 1-3, 6-8, 11-13 and 16-18 were rejected. Claims 4, 5, 9, 10, 14, 15, 19, and 20 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

The applicants respectfully request amendment of the specification as indicated above to update the cross reference to related applications. The amendment does not add new matter.

Claims 1, 6, 11 and 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-2 and 11 of US Patent No. 6,445,202 and claims 2-3, 7-8, 12-13 and 17-18 stand rejected on the same grounds over the combination of US Patent No. 6,445,202 in view of Hollman, US Patent No. 6,198,299. As indicated in the office action, a terminal disclaimer may be used to overcome a rejection based on nonstatutory double patenting providing the conflicting patent is shown to be commonly owned with the application in question. The applicants assert that the instant application, serial number 10/626,903, US Patent Publication No. US 20040150416; and US Patent No. 6,445,202 are commonly owned by Cascade Microtech Inc. as evidenced by the assignment records (réel/frame 014335/0083 as to the instant application and 010344/0453 as to US Patent No. 6,445,202). Attached is a terminal disclaimer to obviate a double patenting rejection over the prior patent, US Patent No. 6,445,202. The applicants respectfully request withdrawal of the rejection and the allowance of claims 1-3, 6-8, 11-13 and 16-18.

The applicants respectfully submit that claims 1-3, 6-8, 11-13 and 16-18 are allowable for the reasons indicated above and respectfully request withdrawal of the objection and the allowance of claims 4, 5, 9, 10, 14, 19 and 20.

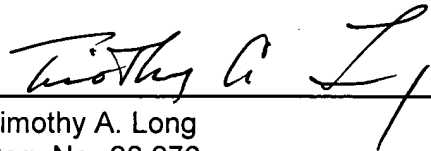
The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicant's attorney would

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advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,
Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204

By: _____



Timothy A. Long
Reg. No. 28,876
Telephone No. (503) 227-5631
FAX No. (503) 228-4373